



1 *fm* *AF*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ernst Reder et al.

Examiner: Benjamin Krutz

Serial No.: 10/520,733

Art Unit: 1797

Filed: 01/10/05

Date: July 3, 2008

For: **"FILTER CARTRIDGE"**

Commissioner for Patents

P.O. Box 1450

**CERTIFICATE OF MAILING**

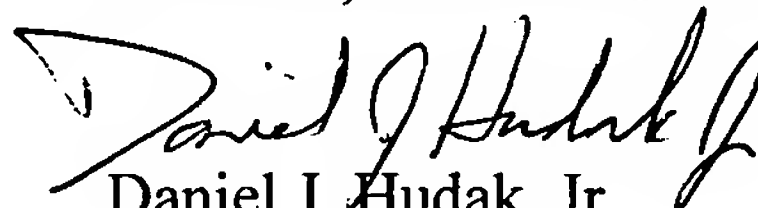
Sir:

The undersigned hereby certifies that the attached **RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37), AND FOUR REPLACEMENT SHEETS** were mailed, with sufficient first-class postage, no special handling, on July 3, 2008, before 5:00 PM, thereby ensuring that such document(s) will be in the hands of the U.S. Postal Service by the close of business this day. Thus, timely response has been made to the outstanding Office Action prior to expiration of the shortened statutory period for the same ending 07/26/08.

The Commissioner is hereby authorized to charge any fees which might be required or credit any overpayment of fees with regard to the attached document(s) to Account No. 08-3150.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA

  
Daniel J. Hudak, Jr.  
Registration No. 47,669

2020 Front Street, Suite 307  
Cuyahoga Falls, OH 44221  
Telephone: (330) 535-2220  
Facsimile: (330)-535-1435

**ATTORNEY DOCKET NO. FMW-CQ-PCT-US**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ernst Reder et al.

Examiner: Benjamin Krutz

Serial No.: 10/520,733

Art Unit: 1797

Filed: 01/10/05

Date: July 3, 2008

For: "FILTER CARTRIDGE"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT**  
**APPEAL BRIEF (37 CFR 41.37)**

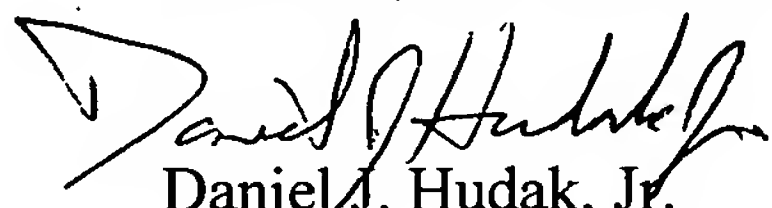
Sir:

The Notification of Non-Compliant Appeal Brief states that the status of cancelled claims 11-12 is not indicated. Accordingly, a replacement page 1 is submitted wherein the status of claims has been amended to clarify that claims 11-12 have previously been cancelled.

The Patent Appeals Specialist states that the Brief does contain the headings (ix) Evidence Appendix and (x) Related Proceedings Appendix, but each Appendix should start on a separate page. Accordingly, three new pages including the Evidence Appendix and Related Proceedings Appendix are hereby attached.

Respectfully submitted,

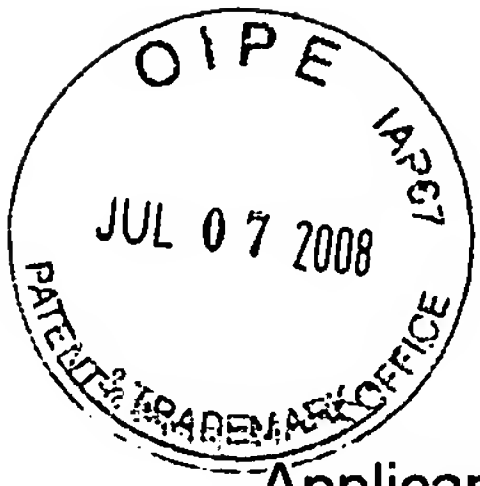
HUDAK, SHUNK & FARINE CO. LPA



Daniel J. Hudak, Jr.  
Registration No. 47,669

DJHjr/dp  
2020 Front St., Suite 307  
Cuyahoga Falls, OH 44221  
330-535-2220

Attorney Docket No. FMW-CQ-PCT-US



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Ernst Reder et al.

Examiner: Benjamin M. Kurtz

Serial No: 10/520,733

Group Art Unit: 1723

Filed: January 10, 2005

Date: June 10, 2008

For: **FILTER CARTRIDGE**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**BRIEF FOR APPELLANT**

Appellant has appealed the Final Rejection of January 23, 2008. Please consider this Appeal Brief filed in accordance with 37 CFR § 41.37.

**REAL PARTY IN INTEREST**

By virtue of an Assignment dated December 21, 2004, by the named inventors, the real party in interest is BRITA GmbH, having a business address of Heinrich-Hertz-Strasse 4, Taunusstein, Germany 65232. The Assignment has been recorded in the U.S. Patent and Trademark Office on January 10, 2005 at Reel 017193 and Frame 0215.

**RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to the Appellant which will affect or have bearing on the Board's decision concerning this appeal.

**STATUS OF CLAIMS**

Claims 1-10 and 13-26 are pending in the application. Claims 1-10, 13-19, 21, 25 and 26 have been rejected. Claims 11 and 12 have been cancelled. Claims 20, 23 and 24 have been allowed. Claim 22 has been objected to, but would be allowable if rewritten in independent form and to include all the limitations of the base claim and any intervening claims. Rejected claims 1-10, 13-19, 21, 25 and 26 are being appealed.

### **Evidence Appendix**

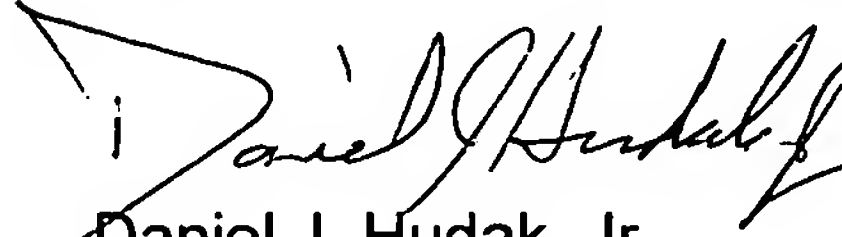
A copy of Exhibits A and B are attached to the Appeal Brief. Exhibits A and B were included in Appellant's Amendment "E" entered November 19, 2007. The Examiner's Office Action mailed January 23, 2008 indicated the status as being responsive to the communications filed November 19, 2007 and page 2 of the Detailed Action indicated that the additionally filed claims were entered.

**Related Proceedings Appendix**

Not Applicable.

Respectfully submitted

HUDAK, SHUNK & FARINE CO. LPA

A handwritten signature in black ink, appearing to read "Daniel J. Hudak, Jr.", written over a horizontal line.

Daniel J. Hudak, Jr.  
Registration No. 47,669

DJHjr/js

2020 Front St., Suite 307  
Cuyahoga Falls, OH 44221  
330-535-2220

Attorney Docket No.: FMW-CQ-PCT-US